

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In re: Equifax Inc. Customer Data
Security Breach Litigation

MDL Docket No. 2800
No. 1:17-md-2800-TWT

CONSUMER ACTIONS

Chief Judge Thomas W. Thrash, Jr.

**MIKELL WEST'S REPLY IN SUPPORT OF MOTION TO UNSEAL
TRANSCRIPT OF JULY 30, 2019 HEARING AND RELATED DOCKET
ENTRIES**

Neither Consumer Plaintiffs nor Defendants object to the unsealing of the July 30, 2019 telephonic hearing (Dkt. 776 and 777) and related documents under seal (Dkt. 782). Dkt. 1069, 1080. West's motion established that the common-law right of public access outweighs and claimed interest in the continued sealing of the transcript and related docket entries from the July 30, 2019 hearing concerning adjustments to the notice/claims process. *See* Dkt. 776, 777, 782.

While not opposing unsealing, Plaintiffs suggest waiver because West did not affirmatively move to unseal the records as part of his timely objection. West's counsel could find no case limiting a class member's ability to bring a motion to unseal records to the objection deadline.

As Watkins and Frank observe, courts entertain motions to unseal years after the termination of litigation. *See Public Citizen v. Liggett Group, Inc.*, 858 F.2d 775, 785 (1st Cir. 1988). Further, courts are under a continuing obligation to unseal records "when the reasons for the sealing no longer obtain." *In re Cendant Corp.*, 260 F.3d 183, 196 (3d Cir. 2001) (continued sealing must be based on "current evidence to show how public dissemination of the pertinent materials now would cause the competitive harm [they] claim").

There is no reason not to keep the judicial records under seal in this class action affecting more than 100 million Americans. Whatever reason was initially articulated must give way to the strong presumption of access. *F.T.C. v. AbbVie*

Products, LLC, 713 F.3d 54, 62 (11th Cir. 2013).

Conclusion

Accordingly, West renews his request for the Court to unseal the transcript from the July 30, 2019 telephonic hearing and related docket entries (776, 777, 782), which are relevant in his appeal before the Eleventh Circuit, and which are presumptively public record.

Dated: May 6, 2020

Respectfully submitted,

/s/ Robert W. Clore

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¹ Dkt. 23 at 4.

CERTIFICATE OF FONT

I hereby certify that this document has been prepared in compliance with
Local Rules 5.1 and 7.1

DATED: April 6, 2020

/s/ Robert W. Clore
Robert W. Clore

CERTIFICATE OF SERVICE

The undersigned certifies that today he filed the foregoing document on ECF which will send electronic notification to all attorneys registered for ECF-filing.

DATED: May 6, 2020

/s/ Robert W. Clore
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